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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,947	02/20/2002	Barry P. Falvo	10622-17US	4476
570	7590	04/19/2006	EXAMINER	
AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			CHOWDHURY, SUMAIYA A	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,947	Applicant(s) FALVO ET AL.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2-20-02, 1-16-04</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, 8, 10, 11, 16, 18, 20, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy (6509908) in view of Alexander (6177931) and Goldstein (5410326).

As for claim 1, Croy discloses a method of processing television content metadata in a communications system, the system including a set-top box (STB) and an auxiliary display device, the auxiliary display device including (i) a memory which stores a predefined image, (ii) a display, (iii) a processor, and (iv) a metadata processing application, the method comprising:

(a) the STB (100 – Fig. 1) extracting television content metadata (data encoded in the VBI) from a transport stream received by the STB, the extracted metadata defining at least one of text and images. – (col. 3, lines 30-45; Metadata defines EPG which includes text – Fig. 29, col. 6, lines 48-60)

(b) transmitting the extracted metadata from the STB to the auxiliary display device (200 – Fig. 2 & 3A; col. 3, lines 40-46, col. 4, lines 7-12, col. 5, lines 7-11)

(c) processing the extracted metadata in the auxiliary display device using the metadata processing application running on the processor of the auxiliary display

device. – (User is capable of navigating through EPG displayed. Hence, the metadata is processed by microcontroller (220 – Fig. 2) – col. 6, lines 55-65).

Croy teaches that the EPG (text; Fig. 29) extracted from the metadata is displayed (col. 6, lines 47-58) on the auxiliary display device but fails to teach adjacently displaying on the display of the auxiliary display device (i) the predefined image stored in the memory of the auxiliary display device, and (ii) the at least one of text and images defined by the extracted metadata.

In an analogous art, Alexander teaches that the advertisements (predefined image; 14 & 16 – Fig. 1) are stored in memory at the client side and displayed adjacently with an EPG – Fig. 1; col. 8, lines 18-24, col. 3, lines 1-20

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy's invention to include that the advertisements are stored in memory at the client side and displayed adjacently with an EPG, as taught by Alexander, for the advantage of effectively displaying data on the display screen.

However, Croy and Alexander fail to disclose that the predefined image and metadata displayed simultaneously is displayed on a portable device.

In an analogous art, Goldstein discloses that advertisements (Fig. 6) and graphics are displayed on a remote control device – col. 11, lines 15-20.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy and Alexander's invention to include that the predefined image and metadata displayed simultaneously is displayed on a portable

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device, as taught by Goldstein, for the advantage of displaying the data on a portable device.

As for claims 6, 16, and 26, Croy, Alexander, and Goldstein meet the claimed limitations. In particular, Alexander discloses wherein the predefined image is an advertisement (14 & 16 – Fig. 1; col. 8, lines 18-24).

As for claims 8 and 18, Croy, Alexander, and Goldstein meet the claimed limitations. In particular, Croy discloses wherein the transport stream includes a plurality of vertical blanking interval (VBI) lines, and the metadata is extracted from at least one of the VBI lines – col. 3, lines 30-45.

As for claim 10, Croy, Alexander, and Goldstein disclose the claimed limitations. In particular, Croy discloses wherein:

step (a) further comprises storing the extracted metadata - (Stored in (222 – Fig. 2) – col. 5, lines 8-14)

step (b) is implemented in response to playing back the stored metadata – (Extracted data is decoded and descrambled (played back) and then sent to remote device – col. 3, lines 40-45).

Claims 11 and 21 contain the limitations of claim 1. Claim 11 additionally calls for the following which Croy discloses:

(ii) a processor (220 – Fig. 2) – col. 6, lines 55-65

(iii) a metadata processing application running on the processor, and which processes the extracted metadata – (Since the EPG is displayed, the extracted metadata transmitted to the processor is processed - col. 6, lines 55-65).

Alexander discloses:

(iv) a display (10 – Fig. 1) which displays the predefined image adjacent to the at least one of text and images defined by the extracted metadata – col. 8, lines 18-24.

As for claim 20, Croy, Alexander, and Goldstein disclose the claimed limitations. In particular, Croy discloses wherein the communications system is a cable television system – (110 – Fig. 1, col. 3, lines 29-32).

3. Claims 2, 3, 9, 12, 13, 19, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein as applied to claims 1, 2, 11, 12 and 21 above, and further in view of Fries (6317885).

As for claims 2, 12, and 22, Croy, Alexander, and Goldstein fail to disclose wherein the memory of the auxiliary display device stores a plurality of predefined images, the method further comprising:

(e) the metadata processing application of the auxiliary display device changing the displayed predefined image on a periodic basis.

In an analogous art, Fries discloses that images are updated after a predetermined amount of time for the advantage of presenting a dynamic presentation.

– col. 12, lines 24-40

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include images are updated every after a predetermined amount of time, as taught by Fries, for the advantage of presenting a dynamic presentation as opposed to a static presentation to the user.

As for claims 3, 13, and 23, Croy, Alexander, and Goldstein fail to disclose wherein the extracted metadata includes a uniform resource identifier (URI), the method further comprising:

(f) the metadata processing application of the auxiliary display device changing the displayed predefined image each time the auxiliary display device receives a URI from the STB.

In an analogous art, Fries discloses that automatic hyperlinks allow the automatic display of the page it refers to for the advantage of automating the display of websites – col. 11, lines 51-55.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include automatic hyperlinks allow the automatic display of the page it refers to, as taught by

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Fries, for the advantage of automating the display of websites to the user as opposed to the user selecting the URL to display the website.

As for claims 9, and 19, Croy, Alexander, and Goldstein fail to disclose wherein the transport stream is a Moving Picture Experts Group (MPEG) transport stream.

In an analogous art, Fries teaches that the transport stream is MPEG – col. 3, lines 11-20.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include that the transport stream is MPEG, as taught by Fries, for the advantage of transmitting digital streams which use less memory yet retain the same quality and/or to conform to a widely used transmission standard.

4. Claims 7, 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein as applied to claim 1 above, and further in view of Moore (US 2001/0047298).

As for claims 7 and 17, Croy, Alexander, and Goldstein fail to disclose wherein the extracted metadata is advanced television enhancement forum (ATVEF) data.

In an analogous art, Moore discloses wherein the metadata is ATVEF data – [0021].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include wherein the metadata is ATVEF data, as taught by Moore, for the advantage of allowing interactive data.

5. Claims 4, 14, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein as applied to claims 1, 11, and 21 above, and further in view of Thompson (2003/0105807).

As for claims 4, 14, and 24, Croy teaches the metadata processing application and memory of the auxiliary display device as discussed above. However, Croy, Alexander, and Goldstein, fail to disclose wherein the extracted metadata further includes a uniform resource identifier (URI) that specifies a particular area on the display of the auxiliary display device for a broadcast television channel video image to be presented, the method further comprising:

replacing the first URI with a second URI stored in the memory of the client system, the first URI specifying a particular area on the display of the auxiliary display device for a broadcast television channel video image to be presented.

In an analogous art, Thompson teaches replacing URIs with other URIs for the advantage of changing a display to the user – [0019], [0029], [0002].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include

replacing URIs with other URIs, as taught by Thompson, for the advantage of changing the location of images on a display to the user.

6. Claims 5, 15, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croy, Alexander, and Goldstein as applied to claims 1, 11, and 21 above, and further in view of Ito (2001/0029540).

As for claims 5, 15, and 25, the combination of Croy, Alexander, and Goldstein discuss the metadata processing application of the auxiliary display device displaying at least one of images and text on the display of the auxiliary display device. However, Croy, Alexander, and Goldstein fail to disclose wherein the extracted metadata specifies a format for displaying at least one of images and text on the display of the auxiliary display device, the method further comprising:

(e) changing the format specified by the extracted metadata.

In an analogous art, Ito discloses changing the format specified by the extracted metadata for the advantage of displaying data in a desirable format – [0095].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Croy, Alexander, and Goldstein's invention to include changing the format specified by the extracted metadata, as taught by Ito, for the advantage of displaying data in a desirable format.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC



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